

ORDINANCE 8162

AN EMERGENCY ORDINANCE ADDING A NEW CHAPTER 12-5
“UNDOCUMENTED PERSONS” TO THE BOULDER REVISED CODE,
ESTABLISHING CITY POLICY REGARDING UNDOCUMENTED
PERSONS IN THE CITY OF BOULDER AND SETTING FORTH RELATED
DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. A new Chapter 12-5 “Undocumented Persons” is added as follows:

Chapter 12-5 Undocumented Persons

12-5-1 - Purpose and Legislative Intent.

(a) Purpose: The purpose of this chapter is to recognize the importance of all persons in the community regardless of immigration status, to clarify city policy with respect to undocumented residents and to recognize the importance of the rule of law.

(b) Legislative Intent: The city council recites the following legislative findings and statements of intent that were taken into consideration in the adoption of this chapter:

(1) The City of Boulder is committed to fostering and ensuring equity, social justice and freedom from persecution and is committed to protecting the human rights of all persons regardless of immigration status.

(2) Undocumented persons contribute to the social, educational and economic life of the City of Boulder.

(3) Undocumented persons pay taxes and therefore are entitled to access city services, including but not limited to protection by the police and firefighters.

(4) Undocumented persons are entitled to access all city facilities, including libraries, recreations centers, parks and senior centers.

1 (5) Undocumented persons may choose not to exercise these rights because of a concern
2 that city officials will cooperate with federal authorities in the investigation of immigration
3 status.

4 (6) It is important that the city council clarify the city's policy regarding inquiries into
5 and actions based on a person's immigration status.

6 (7) The City of Boulder declares that it is a "sanctuary" city.

7 **12-5-2 - Prohibited Activities.**

8 Except as provided in section 12-5-3 "Permitted Activities," B.R.C. 1981:

9 (a) No city employee shall inquire into a person's immigration status.

10 (b) No city employee shall take any action based on a person's immigration status.

11 (c) No city employee shall cooperate with any federal authority with respect to any
12 investigation of a person's immigration status.

13 (d) No city funds shall be used to assist with any investigation into a person's
14 immigration status or to assist with the enforcement of federal immigration law.

15 (e) No city funds shall be used to assist in the detention of any person based on a
16 person's suspected immigration status.

17 **12-5-3 - Permitted Activities.**

18 Nothing in this chapter shall prohibit:

19 (a) Any city employee from discussing a person's immigration status as part of a service
20 request from that person;

21 (b) Any city employee from obeying any lawful order issued with all of the protections
22 of the United States Constitution, including but not limited to probable cause and due process;
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1 (c) Any city employee from taking any action to protect a person or respond to an
2 emergency; or

3 (d) Any city police officer from investigating or assisting with any investigation of
4 criminal activity other than violation of the immigration laws.

5 **Section 2.** This ordinance is necessary to protect the public health, safety, and welfare of
6 the residents of the city, and covers matters of local concern.

7 **Section 3.** The City Council deems it appropriate that this ordinance be published by title
8 only and orders that copies of this ordinance be made available in the office of the city clerk for
9 public inspection and acquisition.

10 **Section 4.** The city council finds this ordinance is necessary for the immediate
11 preservation of public peace, health, safety, and property justifying the adoption of this ordinance
12 as an emergency measure. This ordinance clarifies City of Boulder policies relating to
13 undocumented residents and visitors. Because of significant concern among members of the
14 community and potential changes on the federal level passage of this ordinance immediately is
15 necessary. This ordinance shall become effective immediately.
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1 READ ON FIRST READING, PASSED ON EMERGENCY MEASURE BY TWO-
2 THIRDS OF COUNCIL MEMBERS PRESENT, ADOPTED, AND ORDERED PUBLISHED
3 BY TITLE ONLY this 3rd day of January 2017.

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6 _____
Suzanne Jones
7 Mayor

8 Attest:

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10 Lynnette Beck
City Clerk
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